



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 20, 1995

Ms. Tamara Armstrong
Assistant County Attorney
Travis County
P.O. Box 1748
Austin, Texas 78767

OR95-1105

Dear Ms. Armstrong:

The Travis County Department of Human Services (the "county") seeks to withhold from required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code, information concerning assistance the county provided an individual for the payment of her utility bills. Your request was assigned ID# 36024.

You assert that the information at issue is excepted from required public disclosure based on section 552.101 of the Government Code, which excepts from disclosure information that is confidential by statutory law. You raise section 552.101 in conjunction with section 12.003(a) of the Human Resources Code. Section 12.003, which refers to the Texas Department of Human Services as the "department," provides as follows:

Except for purposes directly connected with the administration of the department's assistance programs, it is an offense for a person to solicit, disclose, receive, or make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use of the name of, or any information concerning, persons applying for or receiving assistance if the information is directly or indirectly derived from the records, papers, files, or communications of the department or acquired by employees of the department in the performance of their official duties.

You contend that the information at issue is indirectly derived from the records of the Texas Department of Human Services ("DHS"). You state that the department considered information DHS provided in evaluating the individual's eligibility for county assistance. You also submitted a copy of part of a contract between DHS and the county in which the county agreed to keep confidential at all times all information that identifies a client. *See Hum Res. Code § 21.012 (requiring DHS to provide safeguards that restrict disclosure of recipient information).* You state that since the information is indirectly derived from DHS records, it is made confidential by section 12.003 of the Human Resources Code.

We agree that section 12.003 of the Human Resources Code applies to the information at issue. Accordingly, the county must withhold the information from required public disclosure based on section 552.101 of the Government Code.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 36024

Enclosures: Submitted documents

cc: Mr. James G. Niland
P.O. Box 721
Cibolo, Texas 78108
(w/o enclosures)